

Judgment in a Civil Case

United States District Court
WESTERN DISTRICT OF NEW YORK

JEROME BARBER

JUDGMENT IN A CIVIL CASE
CASE NUMBER: 14-CV-1075-A

v.

CITY OF BUFFALO,
CAPT. MARK ANTONIO

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that after *de novo* review of a Report and Recommendation [13](#) of Magistrate Judge H. Kenneth Schroeder, Jr., the Court dismissed the Complaint of the Plaintiff, Jerome Barber, for reasons stated in the Report and Recommendation, but also granted leave to Plaintiff Barber to seek to amend the Complaint no later than February 17, 2017 to plead facts to state a Title VII claim for race discrimination in employment. [21](#) Plaintiff Barber has neither filed a proposed Amended Complaint, nor sought an extension of time to file an Amended Complaint. Plaintiff Barber did supplement his objections to the Report and Recommendation by arguing in a February 15, 2017 filing [23](#) that he did not consent to disposition of the action by a Magistrate Judge under 28 U.S.C. § 636(c) and that the disposition of the case therefore violated his due process rights. Because the case was not disposed of by the Magistrate Judge under § 636(c), see Dkt. No. 9, and was decided by the District Court, plaintiff Barber's untimely objection to the Report and Recommendation is without merit. This case is dismissed.

Date: February 28, 2017

MARY C. LOEWENGUTH
CLERK OF COURT

By: s/K.McMillan
Deputy Clerk

